

USDC SDNY
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INFORMATION

09 CRIM 040

JUDGE SULLIVAN

Defendant.

The United States Attorney charges:

1. From in or about 2004 up to and including in or about 2007, in the Southern District of New York and elsewhere, RAFAEL TABIBOV, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341, 1343 and 1344.

2. It was a part and an object of the conspiracy that RAFAEL TABIBOV, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud financial institutions, and for obtaining money and property from financial institutions, banks, and others, by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, unlawfully, willfully and knowingly would

and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things to be sent and delivered by a private and commercial interstate carrier, and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carrier according to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

3. It was further a part and an object of the conspiracy that RAFAEL TABIBOV, the defendant, and others known and unknown, unlawfully, willfully and knowingly would and did devise a scheme and artifice to defraud financial institutions, and to obtain money and property from financial institutions, banks, and others, by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such schemes and attempting to do so, would and did transmit and cause to be transmitted by means of wire and radio communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

4. It was further a part and an object of the conspiracy that RAFAEL TABIBOV, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

OVERT ACTS

5. In furtherance of the conspiracy, and to effect the objects thereof, RAFAEL TABIBOV, the defendant, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about July 8, 2004, TABIBOV attended a foreclosure auction at which he and others purchased a property located at 651 New Jersey Avenue, Brooklyn, New York;

b. On or about January 26, 2005, TABIBOV attended a real estate closing for the purchase of a property located at 183-27 Dunlop Avenue, Queens, New York;

c. On or about January 26, 2005, a lending institution wired, through the Southern District of New York, approximately \$295,000 in loan proceeds for the purchase of 183-27 Dunlop Avenue, Queens, New York.

d. On or about March 29, 2005, TABIBOV attended a real estate closing for the purchase of a property located at 226-31 Mentone Avenue, Jamaica, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO

(Wire Fraud on BNC Mortgage Company re:
183-27 Dunlop Avenue, Queens, New York)

The United States Attorney further charges:

6. On or about January 26, 2005, in the Southern District of New York and elsewhere, RAFAEL TABIBOV, the defendant, unlawfully, willfully, and knowingly did devise a scheme and artifice to defraud and to obtain property by means of false and fraudulent pretenses and representations, and did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, a writing, sign, signal, picture and sound for the purpose of executing such scheme and artifice, to wit, TABIBOV submitted and caused to be submitted documents containing false information and material omissions

regarding, among other things, the borrower's intention to live in the property located at 183-27 Dunlop Avenue, Queens, New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE

(Wire Fraud on BNC Mortgage Company re:
226-31 Mentone Avenue, Jamaica, New York)

The United States Attorney further charges:

7. On or about March 29, 2005, in the Southern District of New York and elsewhere, RAFAEL TABIBOV, the defendant, unlawfully, willfully, and knowingly did devise a scheme and artifice to defraud and to obtain property by means of false and fraudulent pretenses and representations, and did transmit and cause to be transmitted by means of wire and radio communication in interstate commerce, a writing, sign, signal, picture and sound for the purpose of executing such scheme and artifice, to wit, TABIBOV submitted and caused to be submitted documents containing false information and material omissions regarding, among other things, the borrower's intention to live in the property located at 226-31 Mentone Avenue, Jamaica, New York.


(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

8. As a result of committing the offenses alleged in Counts One through Three of this Information, RAFAEL TABIBOV, the

defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the conspiracy to commit the bank, wire and mail fraud offenses alleged in Count One of this Information.

(Title 18, United States Code, Section 982 and Title 18, United States Code, Sections 1341, 1343 and 1344.)



LEV L. DASSIN
Acting United States Attorney